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19 *Defendant McKesson Corporation*

20 **UNITED STATES DISTRICT COURT**
21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
22 **SAN FRANCISCO**

23 AIU INSURANCE COMPANY and
24 NATIONAL UNION FIRE INSURANCE
25 COMPANY OF PITTSBURGH, PA.,

26 Plaintiffs and Counterclaim Defendants,

27 v.

Civil Case Nos.: 3:20-cv-07469-JSC;
3:20-cv-09356-JSC
(*pending consolidation*)

**DECLARATION OF GRETCHEN A. HOFF
VARNER IN SUPPORT OF McKESSON'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT ON THE DUTY TO DEFEND**

McKESSON CORPORATION f/k/a
MCKESSON HBOC, INC.,

Defendant, Counterclaim Plaintiff, Third
Party Plaintiff, and Third Party
Counterclaim Defendant,

v.

ACE PROPERTY AND CASUALTY
INSURANCE COMPANY,

Third Party Defendant and Third Party
Counterclaim Plaintiff.

I, Gretchen A. Hoff Varner, declare as follows:

1. I am an attorney at Covington & Burling LLP, counsel for Plaintiff McKesson Corporation (“McKesson”). I make this Declaration in support of McKesson’s Motion for Partial Summary Judgment on the Duty to Defend. I am licensed to practice law in California and admitted to the bar of the U.S. District Court for the Northern District of California. Unless otherwise stated, the matters set forth herein are true and correct of my own personal knowledge, and if called as a witness I could and would testify competently thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of Policy No. 5443284 for the period July 1, 2008 through July 1, 2009 (the “AIG Policy”), issued by Plaintiff and Counterclaim Defendant National Union Fire Insurance Company of Pittsburgh, Pa. (“AIG”), which AIG attached as an exhibit to its complaint.

3. Attached hereto as **Exhibit B** is a true and correct copy of Policy No. XOO G27610390 001 for the period July 1, 2015 through July 1, 2016 (the “ACE Policy”) issued by Third Party Defendant and Third Party Counterclaim Plaintiff ACE Property and Casualty Company (“ACE”), which ACE attached as an exhibit to its complaint in the related case *ACE Property & Casualty Insurance Co. v. McKesson Corporation, et al.*, 3:20-cv-09356-JSC (N.D. Cal.).

5. Attached hereto as **Exhibit D** is a true and correct copy of the Second Amended Complaint filed against pharmaceutical manufacturer Actavis and others in the opioid litigation *City of Chicago v. Purdue Pharma L.P., et al.*, No. 1:14-cv-04361 (N.D. Ill Aug. 26, 2015). McKesson was not named in the *City of Chicago* complaint. *See* Ex. D. at 1.

6. Attached hereto as **Exhibit E** is a true and correct copy of the Second Amended Complaint filed against pharmaceutical manufacturer Actavis and others in the opioid litigation *State of California v. Purdue Pharma L.P., et al.*, No. 30-2014-00725287-CU-BT-CXC (Cal. Super. Ct. Dec. 23, 2014) (hereinafter “the California Action”). McKesson was not named in the California Action. *See* Ex. E at 1.

7. I declare under penalty of perjury under the laws of the United States that the foregoing declaration is true and correct.

DATED: April 30, 2021
San Francisco, California

/s/ Gretchen A. Hoff Varner
Gretchen A. Hoff Varner